



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/877,774

06/08/2001

Javier A. Valenzuela

07389-00007

3929

21918

7590

07/20/2004

DOWNS RACHLIN MARTIN PLLC
199 MAIN STREET
P O BOX 190
BURLINGTON, VT 05402-0190

EXAMINER

CIRIC, LJILJANA V

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/877,774	VALENZUELA, JAVIER A.	
	Examiner	Art Unit	
	Ljiljana (Lil) V. Ciric	3753	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ljiljana (Lil) V. Ciric. (3) Lawrence H. Meier, Reg. No. 31,446.
 (2) Morgan Heller, Reg. No. 44,756. (4) Javier A. Valenzuela, applicant.

Date of Interview: 19 July 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
 If Yes, brief description: proposed draft amendment to claims 1 and 41.

Claim(s) discussed: 1 and 41.

Identification of prior art discussed: U.S. Patents No. 5,016,707 issued to Nguyen; No. 5,029,638 to Valenzuela, No. 5,145,001 to Valenzuela, and No. 5,269,372 to Chu et al. (all previously of record).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**LJILJANA CIRIC
PRIMARY EXAMINER**



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney Heller set up a three-way teleconference between Applicant Valenzuela, Attorneys Heller and Meier, and Examiner Ciric. Applicant Valenzuela and Attorney Heller each explained the crux of the instant invention, noting that the invention claimed in the instant application is an improvement over the previous patents issued to applicant (see above). Attorneys Heller and Meier also explained the proposed amendments to claims 1 and 41 in detail relative to the previously presented claims and to Figures 2 through 8 of the instant application, and responded to questions posed by Examiner Ciric regarding the various interrelationships of the embodiments shown in Figures 6 through 8 to the one shown in Figures 3 through 5 of the instant application. Examiner Ciric noted that the proposed limitations beginning with "said plurality of interconnecting channels configured so that..." and going to the end of each of claims 1 and 41 would not be given much patentable weight because the configuration of the channels is described in terms of the working fluid only, and that is a problem because (a) based on legal precedence, the material worked upon by an apparatus (i.e., the working fluid) does not impart patentability to an apparatus claim; and (b) the working fluid may or may not be within the inventive apparatus at any given time, and thus the configuration of the apparatus would be described in terms of variable components, which could result in problems under 35 USC 112, second paragraph. Examiner Ciric also pointed out that, upon reconsideration, particularly in view of the explanations received during the interview regarding the structure of the various embodiments of the instant invention and accepted definitions of the term "manifold" as broadly interpreted as required, it appears that the inventive heat exchanger only comprises a single first manifold and a single second manifold, even though the proposed claims as well as the existing claims recite a plurality of first manifolds and a plurality of second manifolds. Examiner Ciric pointed to various definitions appearing in two common dictionaries for the term "manifold" all of which require some sort of conduit assembly having plural apertures for connecting to other conduit-type elements; thus, a plate with a single aperture cannot be said to constitute a manifold per se, but it could be said to constitute a plate with an aperture or with a channel or with a conduit or with a passageway, for example. Examiner Ciric furthermore pointed out that, upon reconsideration based on her now greater understanding of the invention, it appears that additional objections to the drawings will be necessary; she also said that she will present these objections in the next Office action, along with recommendations on overcoming these newly discovered shortcomings in the drawings. Attorneys Meier and Heller also discussed with Examiner Ciric the feasibility of further rewriting the claims so as to claim the instant invention in terms of flow passages or channels only, without reference to any manifolds; Examiner Ciric did not discourage the attorneys from doing so, and merely stated that this would be acceptable as long as proper antecedent basis for any new but synonymous terminology exists in the specification or is added thereto (without adding new matter). For example, it was agreed that the terms "channels" and "flow passages" are synonymous and interchangeable.

